

**PLAN AMENDMENT REPORT**

**Meeting Date: March 5, 2012**

Reference Name	Diamond Touch Construction (A1100010)		Jurisdiction	City
Applicant	Diamond Touch Construction, Abdou Mahmoud			
Request Change in Comprehensive Plan Designation	From:	Office		
	To:	Industrial		
Site Characteristics	Tier:	Suburban		
	Present Use:	Industrial and Single-family residential		
	Present Zoning:	Office and Institutional, Residential Suburban-20		
	Overlays:	N/A		
	Size:	11.754 acres		
Location	South Alston Avenue, north of Carpenter Fletcher Road, south of S. Tricenter Boulevard, and east of NC Highway 55			
PIN(s)	0738-01-28-7806, -7903, -7919; -29-7025, 7122, -7139, -7465; -39-1062, -1069; -49-1057 (partial), -0245 (partial)			
Recommendations	Staff	Approval, based on the justification and the request meeting the four criteria for plan amendments.		
	Planning Commission	Approval, January 10, 2012, 12-0, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.		

**A. Summary**

The proposed Plan Amendment would change the Future Land Use Map designation for 11 parcels, two of which are split between two Future Land Use designations, from Office to Industrial. The total land area affected is 11.754 acres located on S. Alston Avenue, north of Carpenter Fletcher Road, south of S. Tricenter Boulevard, and east of NC Highway 55.

Eleven parcels are included in the proposed Plan Amendment area, however only three of those parcels are included in the development plan as part of the associated Zoning Map Change application (Z1100024). The boundaries of the Plan Amendment are expanded in an effort to cohesively plan for future development instead of on a parcel by parcel basis. While changing the Future Land Use Map is a first step toward rezoning, it does not impact the ability of property owners to maintain current uses.

## **B. Site History**

The Future Land Use Map of the *South Durham Plan* (1986) designated 10 parcels of the subject site as Industrial and the southernmost parcel as Commercial.

## **C. Existing Site Characteristics**

The proposed Plan Amendment includes 11 parcels, eight of which house residential structures built circa 1920 to 1941. The subject site is outside of a watershed protection overlay; however, is within the boundaries of the ongoing Northeast Creek & Crooked Creek Watershed Improvement Project. There are no water features or floodplains onsite. There is a slight downward slope from S. Alston Avenue; however, the parcels remain relatively flat until the rear extent when there is significant downward slope toward NC Hwy. 55. Small patches of sidewalks exist in the area; however, they do not form a continuous network. Please refer to Attachment 2 for aerial imagery of the site.

## **D. Applicant's Plan Amendment Justification**

The applicant requests to amend the Future Land Use Map designation to Industrial from Office. In a statement provided by the applicant, the argument is made that, "Current Future Land Use Plans show this area to be Office, however, current businesses in the area tend to be industrial in nature," including, "the grandfathered large business of the Wagner Auto Salvage . . . There remains only a few occupied homes in the area . . . The [traffic] impact would not be any greater than the effects of a large office complex." By including additional land in the Plan Amendment request that is adjacent to existing industrial uses the applicant hopes to "provide more opportunity in the area for small business expansion." Please refer to Attachment 3 for the complete justification statement provided by Diamond Touch Construction.

**Staff Response:** The applicant validates the request to amend the Future Land Use Map by indicating that the proposed future land use designation (Industrial) is more compatible with surrounding uses, which include the Wagner Auto Salvage and several light industrial uses, than the current Office future land use designation.

## **E. Criteria for Plan Amendments**

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

### **1. Plan Consistency**

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

#### ***Land Use***

*Durham Comprehensive Plan Policy 2.2.6a., Demand for Industrial Space*, indicates that in designating land for industrial uses and evaluating Plan Amendments, the Governing Boards and City-County Planning Department shall consider the demand for industrial land and the capacity of the transportation, water, and sewer systems, and other public facilities and services.

Analysis: By 2035 there will be demand for 9,600 acres of industrial land county-wide. On the Future Land Use Map, enough land is designated to accommodate 16,300 acres, meaning there is a surplus of land already designated for industrial uses.

*Durham Comprehensive Plan Policy 2.2.4a. Demand for Office Land*, indicates that in evaluating Plan Amendments, the Governing Boards and City-County

Planning Department shall consider the demand for office land and the capacity of the transportation, water, and sewer systems, and other public facilities and services.

Analysis: By 2035 there will be demand for 2,154 acres of office land county-wide. On the Future Land Use Map enough land is designated to accommodate 2,900 acres, meaning the loss of 11.574 acres of office land associated with this plan amendment is insignificant.

*Durham Comprehensive Plan Policy 2.2.6b., Location of Industrial Uses*, indicates that new industrial uses ought to have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets.

Analysis: The proposed Plan Amendment area is near the intersection of Tricenter Boulevard and S. Alston Avenue, which is a Minor Thoroughfare. Additionally, its proximity and access to the Research Triangle Park and transportation infrastructure (Interstate 40, NC Hwy. 55, and the railroad tracks) make this corridor suitable for industrial uses in the future.

### ***Transportation***

*Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS)*, indicates that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major road impacted by the proposed change in future land use is S. Alston Avenue, currently a city roadway without left-turn lanes. It is designed to accommodate 11,900 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 6,900 annual average daily trips (AADT) (58% of capacity). A detailed assessment of traffic impacts is included in the zoning map change staff report, and demonstrates that an Industrial use at this site would not cause the Level of Service on S. Alston Avenue to fall below Level of Service Standards indicated by this policy.

### ***Conservation and Environment***

*Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates*, indicates the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment change is estimated to generate a maximum demand for water of 3,456 gallons per day (GPD). This represents a decrease of water demanded by approximately 3,840

GPD from what development with the adopted Office land use designation would allow. Durham has sufficient capacity in water supply to accommodate the change of designation.

<b>Water Supply Impacts</b>	
Current Water Supply Capacity	37.00 MGD
Present Usage	26.88 MGD
Committed to Date (July 2008 – June 2011)	0.68 MGD
Available Capacity	9.44 MGD
Maximum Water Demand Under Adopted Office Use <sup>1</sup>	7,296 gallons/day
Maximum Water Demand Under Proposed Industrial Use <sup>2</sup>	3,456 gallons/day
Impact of Proposed Plan Amendment	<b>-3,840 gallons/day</b>
Notes: MGD = Million gallons per day	
<sup>1</sup> Maximum water demand of the adopted Future Land Use (OFC: 97,280 SF)	
<sup>2</sup> Maximum water demand of the proposed Future Land Use (IND: 25,600 SF)	

**Staff Conclusion:** There is adequate infrastructure capacity to service this site as an Industrial use. In fact, Office uses at this site have the potential to generate similar, if not more, impact on water and transportation infrastructure than an Industrial use would. The request is consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

## 2. Compatibility

The site is located near the intersection of S. Alston Avenue and Tricenter Boulevard, north of Carpenter Fletcher Road. The site is within the Suburban Tier and is located west of the Research Triangle Park, east of NC Hwy. 55 and Northeast Creek, and north of Interstate 40. Historically a rural residential road, S. Alston Avenue has long been converting to corridor with an incompatible mix of industrial uses and single family homes.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Industrial	Office
East	Industrial/Auto Salvage/Warehouse	Industrial
South	Single-family residential	Office
West	Railroad Tracks, NC Hwy. 55 and Northeast Creek	Recreation and Open Space

*Existing Uses:* The site of the proposed plan amendment is bordered to the north by an existing industrial use; to the south by occupied and vacant residential structures; to the east by an auto salvage yard and other industrial uses; and to the immediate west by railroad tracks and NC Hwy. 55 and further west by the Northeast Creek floodplain.

*Future Land Use Designations:* According to the adopted Future Land Use Map, parcels north and south of the site are expected to develop as Office. Areas east of the site are designated for Industrial development complementary to the Research Triangle Park. Areas west of the site and across NC Hwy. 55 and the railroad corridor are floodplain for Northeast Creek and are designated Recreation and Open Space.

*Analysis:* While a number of single-family residences still exist, this corridor has been transitioning to a mixture of incompatible uses for a long period (Wagner Auto Salvage opened in 1961), and has passed a tipping point to where the area is predominantly nonresidential in character. Its proximity and access to the Research Triangle Park and transportation infrastructure (Interstate 40, NC Hwy. 55, and the railroad tracks) make this corridor suitable for industrial uses in the future.

**Staff Conclusion:** The proposed plan amendment is compatible with the existing land use trends and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

### 3. Adverse Impacts

The Plan Amendment is located within the boundaries of the Northeast Creek and Crooked Creek Watershed Improvement Project, an ongoing study to improve water quality through implementing stormwater control measures within the watershed. The Watershed Improvement Plan is in early stages of development and, therefore, has not issued any recommendations. This

subject site is outside of the Northeast Creek floodplain, and water features do not exist on site. There is nothing on site that would preclude it from developing according to standards found in the Unified Development Ordinance.

**Staff Conclusion:** The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

#### **4. Adequate Shape and Size**

The area requested for amendment is approximately 11.754 acres and is of sufficient shape and size for Industrial development in the Suburban Tier.

**Staff Conclusion:** The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

#### **F. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Center of the Region Enterprise (CORE)
- Inter-Neighborhood Council
- Northeast Creek StreamWatch
- Research Triangle Park
- Partners Against Crime - District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

#### **Recommendation**

Staff recommends approval, based on the justification and the request meeting the four criteria for plan amendments.

Planning Commission recommended approval at its January 10, 2012 meeting, 12-0, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments.

#### **G. Staff Contact**

Hannah Jacobson, Planner, 560-4137 x28247, [hannah.jacobson@durhamnc.gov](mailto:hannah.jacobson@durhamnc.gov)

## **H. Attachments**

Attachment 1, Context Map  
Attachment 2, Aerial Photograph  
Attachment 3, Applicant's Plan Amendment Justification  
Attachment 4, Planning Commission Written Comments  
Attachment 5, Resolution